



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 21, 1991

Ms. Laura S. Groce
Attorney for Calallen I.S.D.
Henslee, Ryan & Groce
3432 Greystone Drive, Suite 200
Austin, Texas 78731

OR91-514

Dear Ms. Groce:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11694.

The Calallen Independent School District (the district), which you represent, has received a request for information relating to the activities of the superintendent and various other employees. Specifically, the request includes information relating to itineraries, expenses, attendance records, employment qualifications, descriptions, and procedures, employment contracts, salaries and benefits, certain hearings before the school board, audit reports, budgets, and minutes of school board meetings. You claim that all of the information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act and that parts of it are also excepted by section 3(a)(2).

We have considered the exceptions you claim. Previous open records decisions issued by this office resolve your request. Open Records Decision No. 555 (1990) held that a section 3(a)(3) exception is applicable when litigation is pending or may be reasonably anticipated and if the requested information relates to that litigation. Section 3(a)(3) forces parties to a lawsuit to obtain relevant information through the normal process of discovery. Open Records Decision No. 551 (1990). Open Records Decision No. 386 (1983) held that the pendency of a complaint before the Equal Employment Opportunity Commission (EEOC) indicates a substantial likelihood of litigation and is therefore sufficient to satisfy section 3(a)(3).

The documents submitted to us indicate that the wife of the requestor has filed a complaint with the EEOC. We thus conclude that litigation is reasonably anticipated. Having examined the documents submitted to us for review, we further conclude that, unless previously disclosed through the discovery process or by court order, the requested information relates to the anticipated litigation and may be excepted from required public disclosure by section 3(a)(3) of the Open Records Act. Open Records Decision No. 551. Please note that this ruling applies only for the duration of the litigation and only for the information at issue here. *Id.* Because we resolve this issue under section 3(a)(3), we need not address the applicability of section 3(a)(2) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-514.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/GK/lcd

Ref.: ID# 11694

Enclosure: ORD-551

cc: Mr. Robert E. Beggs
4210 Raintree Drive
Corpus Christi, Texas 78410